



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 6, 1998

Ms. Susan Cory  
General Counsel  
Texas Workers' Compensation Commission  
Southfield Building, MS-4D  
4000 South IH-35  
Austin, Texas 78704-7491

OR98-2370

Dear Ms. Cory:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 118557.

The Texas Workers' Compensation Commission (the "commission") received a request for information which pertains to an "ongoing internal audit investigation of certain employees [sic] use of a federal form to report overtime." You claim that the requested information is excepted from disclosure under sections 552.103, 552.107, 552.111, 552.116, and 552.117 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.116 reads as follows:

An audit working paper or draft audit report of the state auditor or of another state agency or institution of higher education as defined by Section 61.003, Education Code, is excepted from [required public disclosure].

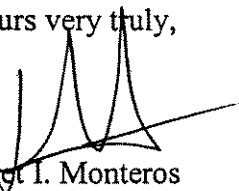
The Seventy-fifth Legislature amended section 552.116. Act of May 30, 1997, H.B. 2906, § 10, 75th Leg., R.S. The house bill amending section 552.116 also amended Government Code section 321.001 to define the term "audit working paper" as

all documentary and other information prepared or maintained in conducting an audit or investigation, including all intra-agency and interagency communications relating to an audit or investigation and all draft reports or portions thereof.

We have reviewed the submitted information. We assume that the information constitutes "audit working paper[s]" as defined in Government Code section 321.001. Accordingly, the commission may withhold the requested information from the requestor based on section 552.116 of the Government Code. *See* Open Records Letter No. 97-2082 (1997).

Because we are able to make a determination under section 552.116, we do not address your additional arguments against disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet I. Monteros". The signature is stylized with a large, prominent "M" and a long horizontal stroke extending to the right.

Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/nc

Ref.: ID# 118557

Enclosures: Submitted documents

cc: Mr. Charles Ross, Jr.  
10900 C Crown Colony Drive  
Austin, Texas 78747  
(w/o enclosures)